

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:18-cv-329-RJC
3:16-cr-278-RJC-DSC-1**

DEMARIO BERNARD AUSTIN,)
)
 Petitioner,)
)
vs.)
)
UNITED STATES OF AMERICA,)
)
 Respondent.)

ORDER

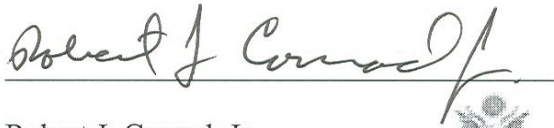
THIS MATTER is before the Court on Petitioner's Motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody, (Doc. 1).

The Court has conducted an initial screening of the petition under the Rules Governing § 2255 Proceedings, Rule 4(b) 28 U.S.C.A. foll. § 2255, and finds that: (1) the petition has **not** been signed under penalty of perjury, Rule 2(b)(5), 28 U.S.C.A. foll. § 2255; (2) the petition appears to be timely filed; and (3) Petitioner has asserted a colorable claim for relief cognizable under § 2255(a). Petitioner shall have **twenty (20)** days to resubmit the § 2255 Motion to Vacate signed under penalty of perjury. If Petitioner fails to do so, the § 2255 Motion to Vacate will be dismissed without further notice. Upon receipt of the signed § 2255 Motion to Vacate, the Court will direct the United States to respond.

IT IS, THEREFORE, ORDERED that:

1. Petitioner shall resubmit the § 2255 Motion to Vacate, signed under penalty of perjury, within **twenty (20)** days from entry of this Order. If Petitioner fails to do so, the § 2255 Motion to Vacate will be dismissed without further notice.

Signed: July 11, 2018

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
United States District Judge

